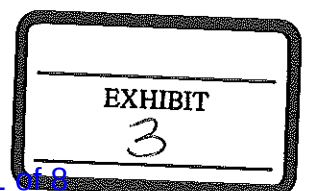


Melissa Dunn Deposition Excerpts



1 Q. Okay.

2 MR. GAUNT: You were writing it in '06
3 probably.

4 THE WITNESS: No. I wrote it when we
5 were in December so...

6 MR. GAUNT: Okay.

7 Q. (By Mr. Harris) And that's a fair question.
8 I guess I probably ought to ask you with
9 regard to the document that's marked
10 Exhibit 37, was this just kind of a
11 progression thing?

12 A. Yes. And this isn't in our standard format
13 for investigative reports, either.

14 Q. All right. So part of it would be prepared
15 on a given date and then part of it was
16 prepared later? Is that how I understood
17 it?

18 A. Yes. I actually started this on the 23rd.

19 Q. Okay. And when you went to
20 Judge Ellsworth's office on the 22nd, was
21 anybody else present other than you,
22 Judge Ellsworth and Mr. Anderson?

23 A. No, that's all.

24 Q. And you narrate what Mr. Anderson reported
25 at that time; correct?

1 A. Yes.

2 Q. Do you recall did you say anything during
3 this meeting? I don't see anything noted in
4 here about any comments you may have made,
5 but did you make any statements or say
6 anything during the meeting on the 22nd?

7 A. If I would have asked anything, what he
8 states here would have been the response to
9 it.

10 Q. Okay. I guess I take that back. It looks
11 like on the second page there is a paragraph
12 where it starts out you told Mr. Anderson --
13 you said that --

14 A. Yes.

15 Q. -- since it happened in Licking you thought
16 the Licking Police Department should be
17 involved?

18 A. Yes.

19 Q. What was your reasoning or thinking behind
20 that? Explain that to me.

21 A. Crime didn't occur within my jurisdiction.

22 Q. So if something occurs within the city of
23 Licking it's not within the Texas County
24 Sheriff's Department's jurisdiction?

25 A. It's primarily in the City of Licking's

1 jurisdiction. If they ask for assistance,
2 we'll be glad to help them.

3 Q. All right. And then at the bottom of that
4 second page it talks about you make a note
5 that you were at the prosecuting attorney's
6 office on the 20th to drop off some paper
7 work and you could overhear Mr. Anderson and
8 Monica Daniel having a conversation. Could
9 you actually hear what they were discussing?

10 A. Well, I could hear the conversation. I
11 don't know if I've got it word-for-word. I
12 could hear conversation. I would say not or
13 I would have put it in here.

14 Q. Okay. Then you state that later that
15 evening Monica came to your office?

16 A. Yes.

17 Q. Do you recall what time that was?

18 A. I'd say it'd be after five.

19 Q. All right. Are those normal work hours for
20 you to be there after five?

21 A. Yes.

22 Q. And she reports this incident with
23 Mr. Anderson coming to her house Saturday
24 night slash Sunday morning. And she
25 reported to you that she let her answering

1 2230, which I'm not very good with military
2 time. Is that 10:30?

3 A. 2330.

4 Q. Oh, I'm sorry. You say 2330.

5 A. Well, Trooper Kinder dropped the prosecutor
6 off at his car at 2230.

7 Q. That would be 11:30?

8 A. Yes.

9 Q. Then I think on the next paragraph you put
10 in -- do you recall did you talk to
11 Trooper Kinder on the 23rd?

12 A. Yes.

13 Q. And then I assume the next paragraph that
14 states on 12/27/06, that would have been
15 something you typed after whatever happened
16 on the 27th?

17 A. Yes.

18 Q. You talked to Mr. Anderson and you said that
19 since he'd taken the tape, the integrity of
20 it had been jeopardized. Explain to me why
21 you felt that.

22 A. Well, you don't turn over evidence to the
23 victim while you're investigating a crime.

24 Q. Did you know whether or not that was a copy?

25 A. The judge said he gave him the tape.

1 Q. Okay. But you didn't know whether or not it
2 was just a copy?

3 A. Well, the judge had been supplied the tape
4 complying with the subpoena so I don't know
5 if it's the original tape or a copy that
6 person made before they handed it to the
7 judge to comply with the subpoena. But the
8 tape that the judge was handed was handed to
9 the prosecutor.

10 Q. Did you ever ask Ms. Williams when you were
11 talking with her if she had a copy of the
12 tape?

13 A. No.

14 Q. And I would assume on the 27th you didn't
15 know whether or not there were multiple
16 copies of the tape?

17 A. Had no idea.

18 Q. Did you have an understanding at this time
19 where the tape had come from?

20 A. It was my understanding that I believe that
21 Ms. Daniel had brought the copy over to the
22 judge's office, but...

23 Q. When you talked with Ms. Daniels on the 20th
24 did she indicate to you that she had had a
25 tape?

1 MR. GAUNT: I'm sorry. I missed the
2 answer.

3 THE WITNESS: No.

4 MR. GAUNT: Thank you.

5 A. Nothing specific.

6 Q. (By Mr. Harris) Well, let me just ask you:
7 Did you believe Mr. Anderson?

8 A. No. I thought it was a line of horseshit.

9 Q. And why is it you thought it was a line of
10 horseshit? No offense, but --

11 A. I think he got drunk and he did something he
12 probably shouldn't have done and he made up
13 this big story. He tells me there's
14 supposed to be a videotape of him at the bar
15 but he won't tell me who told him that so I
16 can investigate it. He tells me there's a
17 doctor who can prove that he was -- may be
18 able to prove he was drugged, but did he
19 give me the tape and let me talk to the
20 doctor? He handles it all himself, which as
21 a prosecutor he knows is totally
22 inappropriate. How many different ways can
23 he do that so it looks wrong? The judge
24 issues a subpoena, after he signs it the
25 subpoena's supposed to be sent down for

1 service. The judge doesn't serve a subpoena
2 himself and then collect the evidence
3 himself.

4 Q. After Mr. Anderson explained to you his
5 reasoning with regard to why he didn't want
6 the City of Licking or the highway patrol
7 involved, did you think that was a
8 legitimate --

9 A. I don't know. He wouldn't give me enough
10 information.

11 Q. Do you know why Ms. Daniel came to see you
12 on the evening of the 20th, what was her
13 purpose of her visit to you?

14 A. I'd seen her upset there in her office a few
15 hours before that.

16 Q. When she came to you to see you on the 20th,
17 did she ask you to do anything?

18 A. No.

19 Q. Did she explain to you why she was there
20 telling you about it?

21 A. Well, I think I'd asked her if she was all
22 right when she came out there and she said,
23 "I'll talk to you later."

24 Q. So you took it that she wasn't visiting you
25 in an official capacity when she came to see